

19 25. (new) The method of claim 21 wherein the polysiloxane component has a viscosity of about 1 centistoke to about 1,000,000 centistoke.

REMARKS

The above-identified application has been carefully reviewed in light of the Examiner's communication mailed October 17, 2002. Applicant submits that the terminal disclaimer submitted herewith and the amendments and remarks included herein show the present claims to be allowable.

Claims 5, 16 and 18 to 20 have been canceled, without prejudice. The present new claims and amended claims specify clear hair shampoo compositions comprising a polysiloxane component in an amount effective as a hair conditioner. These claims are submitted to more clearly define the present invention. Each of the present claims is fully supported by the present specification.

Claims 1 to 20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Canivenc et al. Applicant traverses this rejection as it pertain to claims 1 to 4, 6 to 15, 17 and 21 to 25 as presently set forth.

The present invention is directed to compositions useful as a hair shampoo composition and methods of making such compositions. As set forth in independent claim 1 and 21, the present hair shampoo compositions comprise an effective amount of a deterative component, an effective amount of an emulsifier component and a polysiloxane component present in an amount effective as a hair conditioner. Independent claim 6 specifies an amount of emulsifier component and an amount of polysiloxane component useful in hair shampoo compositions of the present invention. The present invention effectively takes advantage of the specified polysiloxanes, which have a viscosity of about 1 centistoke and about 1,000,000 centistoke, in that, for example, the

polysiloxanes are present as conditioners in hair shampoo compositions which are clear.

Canivenc et al discloses a process for conditioning textile materials.

Canivenc et al does not disclose, teach or suggest the present invention. For example, Canivenc et al does not disclose, teach or even suggest any hair shampoo compositions, let alone clear hair shampoo compositions, or any method for making such compositions, as recited in the present claims.

Simply put, Canivenc et al discloses a different composition, for use in a different application, to achieve a different result. The textile conditioning teachings of Canivenc et al provide no motivation or incentive to one of ordinary skill in the art to extend the deficient teachings of Canivenc et al to form clear hair shampoo compositions which include an effective amount of a deterative component and a polysiloxane component present in an amount effective as a hair conditioner, as recited in the present claims. Canivenc et al does not even suggest such compositions or methods of making such compositions, as recited in the present claims. Applicant submits that the teachings of Canivenc et al are substantially deficient with regard to the present claims.

In view of the above, applicant submits that the present claims, that is claims 1 to 4, 6 to 15, 17 and 21 to 25, are unobvious from and patentable over Canivenc et al under 35 U.S.C. 103(a).

Claims 1 to 20 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 18 of copending U.S. Patent Application No. 10/056,964.

Enclosed is a terminal disclaimer, and required fee, disclaiming the terminal part of any patent issuing from the above identified application which extends beyond the expiration of any patent issuing from U.S. Patent Application No. 10/056,964.

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In view of the enclosed terminal disclaimer, and required fee, applicant requests that the obviousness-type double patenting rejection be withdrawn.

Each of the present dependent claims is separately patentable over the prior art. For example, none of the prior art disclose, teach or even suggest the present compositions including the additional feature or features recited in any of the present dependent claims. Therefore, applicant submits that each of the present claims is separately patentable over the prior art.

In conclusion, applicant has shown that the present claims are unobvious from and patentable over the prior art under 35 U.S.C. 103(a). Therefore, applicant submits that claims 1 to 4, 6 to 15, 17 and 21 to 25 are allowable and respectfully requests the Examiner to pass the above-identified application to issuance at an early date. Should any matters remain unresolved, the Examiner is requested to call (collect) applicant's attorney at the telephone number given below.

Respectfully submitted,



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ATTACHMENT: VERSION WITH MARKINGS SHOWING CHANGES

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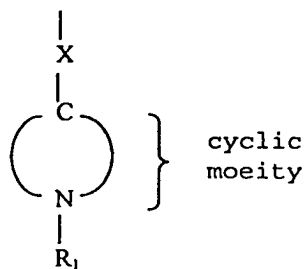
VERSION WITH MARKINGS SHOWING CHANGES

In the Specification

"This application is a continuation-in-part of U.S. patent application serial number [_____] [number will be commonly assigned, Attorney Docket No. D-3022]], 10/056,964, filed November 7, 2001, the disclosure of which is incorporated in its entirety herein by reference."

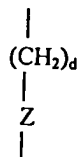
In the Claims

1. A hair shampoo composition comprising an effective amount of a deterative component, an effective amount of an emulsifier component and a polysiloxane component in an amount effective as a hair conditioner, the hair shampoo composition being clear, the polysiloxane component comprises at least one side chain component A having the general formula:



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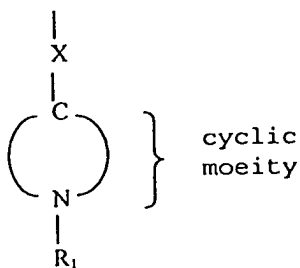
R_1 is an H, OH or a C1-C5 hydrocarbon; X is a C1-C10 hydrocarbon, a heteroatom or



Z is a heteroatom and d is 0 to about 6, the polysiloxane component has a viscosity of about 1 centistoke to about 1,000,000 centistoke.

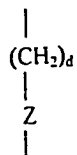
6. A composition comprising:

- (a) about 0.01% to about 10% of an emulsifier component; and
 - (b) about 0.01% to about 10[.0]% of a polysiloxane component,
- the polysiloxane component comprises a side chain component A having the general formula:



A

R₁ is an H or a C1-C5 hydrocarbon; X is a C1-C10 hydrocarbon, a heteroatom or



Z is a heteroatom and d is 0 to about 6, the polysiloxane component has a viscosity of about 1 centistoke to about 1,000,000 centistoke and is effective as a hair conditioner in a hair shampoo, wherein the composition is formulated as a clear hair shampoo composition.

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